

July 18, 2005  
Regular Session

Minutes

Members present

D.C. Swaim- Chairman  
Brady Wooten- Vice- Chairman  
Leon Casstevens- Commissioner  
Kim Clark Phillips- Commissioner  
Allen Sneed- Commissioner

Others Present

Cecil E. Wood- County Manager  
Melinda Vestal-Clerk to the Board  
James Graham- County Attorney

Chairman Swaim called the meeting to order. Attorney Graham had the invocation. The Board had the pledge of allegiance.

**Public Hearing- Zoning**

Mr. Kim Bates, Zoning Supervisor, informed the Board that Jerry Bauguess had withdrawn his rezoning petition.

Steve Taylor, Forbush Elementary Area, spoke on the request submitted by Mr. Bauguess. He commented the area is growing very fast and there is an issue with four-wheelers driving through the area.

The Planning Board recommended specific changes to Zoning Article 11. Table of Uses, and Zoning Article 16. Conditional Uses: Several business uses would be allowed on a limited scale as Conditional Uses in the Rural Agriculture district; and residential uses would be allowed as Conditional Uses in the Highway Business and Community Business districts. Required conditions for each use have been outlined in the proposed amendment to Article 16.

Commissioner Wooten asked if the public was aware of the changes?

Mr. Bates stated the notice ran two times.

Gene Crump, citizen, discussed the proposed amendments and commented that the requirements seem too general.

Commissioner Wooten stated conditional uses and permitted uses are specific.

Mr. Bates stated each use has its own set of conditions.

Barry Hennings, Chairman of the Planning Board, stated the Board reviewed the uses that are compatible with rural agriculture and each conditional use would be reviewed by the Planning Board. The Yadkin County Zoning Plan was adopted with the understanding there might be some adjustments made to better fit Yadkin County.

Mr. Bates stated a public hearing needs to be set for Article 11. Table of Uses, and Zoning Article 16. Conditional Uses: Wine Tasting Rooms.

Chairman Swaim closed the public hearing.

**\*Commissioner Wooten made the motion to set the public hearing for August 15<sup>th</sup> at 7:00 p.m. for Article 11 and Article 16. Commissioner Sneed seconded. The Board voted 5-0.**

**The Board took no action on the petition withdrawn by Jerry Bauguess.**

#### **Public comments**

Barry Hennings, Chairman of the Planning Board, read a resolution, passed unanimously by the Planning Board, asking that Larry Adams be reinstated.

Chairman Swaim stated he would like the Board to reconsider the actions taken on the budget. He feels there were some quick decisions made which were not in the best interest of Yadkin County. **\*Chairman Swaim made the motion to reinstate the position of Services and Development Director and offer the position to Mr. Adams. Commissioner Phillips seconded.**

Commissioner Wooten inquired if a change is made to the budget, would it not have to come from the majority?

Attorney Graham stated this change would only require a budget amendment.

Commissioner Phillips stated the voters have put their trust in the Board of Commissioners to do the right thing; meeting the needs of the county by providing public safety and better education. The public is mad and does not support the decisions made by the Board. She asked the Board to reconsider the previous action taken.

Chairman Swaim stated he has not spoken with Mr. Adams about the position. This action has put additional work on Mr. Wood.

**The Board voted 2-3. Commissioners Sneed, Wooten and Casstevens opposed.**

### Minutes

**\*Commissioner Wooten made the motion to approve the minutes with changes. Commissioner Casstevens seconded. The Board voted 5-0.**

### Water/Sewer- information

Randy Darden with Arcadis introduced Mr. Tomanio for the purpose of discussing possible funding for water projects.

Vincent Tomanio, NC Revolving Loan Program, Public Water Section-DENR, discussed the Drinking Water State Revolving Fund (DWSRF) which are federal dollars. There is also a State Water Fund but there is currently no money in this fund. He informed the Board that to be considered for the funds, the project must address some type of threat to public health; the funds are not for “pure growth” only. The application process is a ten month period; apply in September award in July.

Mr. Wood asked if the funds could be coordinated with other grants and loans that address economic needs and a public threat.

Mr. Tomanio stated yes and that his office wants to fund the projects and those who apply do get funded.

Mr. Wood asked about the terms of the loan?

Mr. Tomanio stated the loans can be up to 20 years, 2.3% interest accrues when project is completed and the first payment is not due until 6 months after the completion of the project.

### Health Department- board appointments

**\*Commissioner Wooten made the motion to reappoint Joanie Williams, Leon Robbins and Mary Revels to the Board of Health for a three-year term. Commissioner Sneed seconded. The Board voted 5-0.**

### Solid Waste-franchise

**\*Commissioner Wooten made the motion to approve the solid waste franchise. Commissioner Casstevens seconded. The Board voted 5-0. This was the second vote as required by law.**

### Tax Administration- refunds and information on business audits

Name/reason	Year	Total
Brian K. Mastin	2000-2004	\$1,105.87

3601 Swann Creek Road Jonesville, N.C. 28642 Appraiser corr sq ftg of house		
Margie Mullis 5349 St.Paul Church Rd Hamptonville, N.C. 27020 Eight acres chgd in Yadkin is in Iredell	2000-20004	\$835.95

**\*Commissioner Wooten made the motion to approve the tax refunds.  
Commissioner Phillips seconded. The Board voted 5-0.**

It was the consensus of the Board to meet with Terry Rowland of Tax Management.

**Commissioner comments**

Commissioner Phillips expressed her appreciation to all emergency personnel who helped during the tornado. She stated she has heard only positive comments.

Commissioner Phillips asked about the meeting with the Town of Jonesville.

Mr. Wood stated the Manager working for Jonesville is on a rotation schedule. He has left messages but no call has been returned.

Commissioner Phillips asked about Mick Staton coming to explain what he is doing to help Yadkin County.

Commissioner Phillips informed the Board that the meeting with the Board of Education will be August 29<sup>th</sup>.

Commissioner Wooten stated Steve Troxler, Agriculture Commissioner, has offered assistance to Yadkin County due to the tornado.

Commissioner Wooten stated the Lone Hickory firemen have asked him to express their appreciation to all public service personnel who assisted during the tornado.

Commissioner Wooten inquired about the property on Patterson Mill Road.

Mr. Bates stated the property is in compliance and the owner is in the process of cleaning up the property.

Commissioner Wooten inquired about a site on Center Road, near the Bryant property.

Commissioner Sneed discussed the tornado in the Lone Hickory area and the command center that was set up by the Forest Service. He would like the county to look at purchasing a trailer similar to the one used by the Forest Service.

Commissioner Casstevens asked about the cars at YVEDDI. He, too, commended Lone Hickory on a job well-done; very organized, everyone working together.

Chairman Swaim read a thank you card from Ms. Vestal.

### **Manager comments**

Mr. Wood informed the Board that Yadkin County is now under Flood Insurance.

Mr. Wood discussed the lawsuit regarding the animal shelter and the efforts being made to meet with the attorneys before the August 8<sup>th</sup> court date.

Chairman Swaim questioned whether the Board needed to respond to the letter sent by the attorney.

Mr. Wood discussed the pump at the Jonesville EMS station and the convience site. The county has talked with Jonesville and they have agreed to put waterlines at the entrance or we can repair the pump; to connect with Jonesville is \$300. The well supplied water to the outpost and six mobile homes. The homeowners have been notified. Mr. Wood asked the Board if they wanted to repair the pump or connect to Jonesville's system.

**\*Commissioner Wooten made the motion to proceed with connecting to Jonesville's system. Commissioner Sneed seconded. The Board voted 5-0.**

Mr. Wood discussed potential Bills that could affect Yadkin County; the 911 surcharge charged on the phone bills (HB 1638) and no adding of additional value on new homes until sold (SB 508).

**\*Commissioner Sneed made the motion to send a resolution against HB 1638 and SB 508. Commissioners Casstevens and Wooten seconded. The Board voted 5-0.**

Mr. Wood stated that Commissioner Phillips needs to be designated as the voting delegate at the NCACC in Charlotte.

**\*Commissioner Wooten made the motion to appoint Commissioner Phillips as the voting delegate for the NCACC in Charlotte. Commissioner Sneed seconded. The Board voted 5-0.**

Mr. Wood stated that he has been informed that the plans for the proposed EMS bay stations will be available July 21st. Mr. Wood asked the Board what step they would like to take next.

The Board decided to have the plans brought back to them before they go out for bids.

Attorney Graham stated he is having some problems with the site at Forbush; another site may have to be selected.

Mr. Wood stated he received a request from DOT asking for a r-o-w on Dinkins Bottom Road.

**\*Commissioner Wooten made the motion to approve the request as long as the r-o-w changes do not interfere with the mitigation conditions for 5-D and both the CORP and DOT are satisfied. Commissioner Casstevens seconded. The Board voted 5-0.**

**Mr. Wood presented the wording changes for the contractual agreement with the BOE. The Board accepted the wording changes and forwarded the agreement to the BOE.**

**A RESOLUTUION REQUESTING THE GOVERNOR PROCLAIM AN  
AGRICULTURAL DISASTER FOR IREDELL, ALEXANDER, AND YADKIN  
COUNTIES**

WHEREAS, we have determined that a State of Disaster and State of Emergency, as defined in N.C.G.S. \*\*166-A and 14.288.1(10), exists in the State of North Carolina, specifically in Iredell, Alexander, and Yadkin Counties as a result of the impact of Tropical Storm Cindy on July7, 2005.

WHEREAS, on July 7, 2005, Iredell, Alexander and Yadkin Counties proclaimed a local State of Emergency as the result of tornados that impacted these counties;

WHEREAS, pursuant to N.C.G.S.\*166A-6, the criteria of disaster are met including the following: 1) Iredell, Alexander, and Yadkin Counties declared a local state of emergency pursuant to N.C.G.S. \*166A-8 and N.C.G.S \*\*14-288.12, 14-288.13 and 14-288.14, and 2) The preliminary agricultural damage assessment appears to show major losses to crops and farm structures, 3) A major disaster declaration by the President of the United States pursuant to the Stafford Act has not been declared; and

NOW THEREFORE, pursuant to the authority vested in me as the CHAIRMAN OF THE YADKIN COUNTY BOARD OF COMMISSIONERS:

I HEREBY REQUEST that the Governor of North Carolina declare a regional agricultural disaster for Iredell, Alexander, and Yadkin Counties for the July 7, 2005 tornado damage caused as a result of Tropical Storm Cindy.

IT IS BELIEVED that such a declaration will allow farmers in the impacted communities to obtain disaster relief federal and state disaster relief aid programs.

Adopted in the City of Yadkinville, County of Yadkin, North Carolina this 18<sup>th</sup> day of July 2005.

s/D.C. Swaim, Chairman

Attest: Melinda Vestal, Clerk

**\*Commissioner Wooten made the motion to adopt the resolution. Commissioner Phillips seconded. The Board voted 5-0.**

Commissioner Wooten inquired about reimbursements for emergency personnel.

Mr. Wood discussed budget adjustments. The departments are working very hard to maintain within the budget passed; capital equipment, positions and shorter work weeks are being used by the departments to meet the budget cuts.

Commissioner Phillips asked what positions are being cut?

Mr. Wood stated the Sheriff and the Health Department have cut positions which could affect the services the county provides.

Commissioner Phillips stated the BOE has cut 16 positions.

Mr. Wood asked to fill a part-time position at the landfill to run the scales on Saturday.

**\*Commissioner Wooten made the motion to fill the position at the landfill. Commissioner Phillips seconded. The Board voted 5-0.**

Mr. Wood stated the tax office is losing two employees; one to a transfer and the other leaving county government.

**\*Commissioner Phillips made the motion to fill the positions in the tax office. Chairman Swaim seconded. The Board voted 2-3. Commissioners Wooten, Casstevens and Sneed opposed.**

**\*Commissioner Sneed made the motion to hire a collection person. Commissioner Casstevens seconded. The Board voted 5-0.**

**\*Commissioner Phillips made the motion to fill the position in the reval office. Chairman Swaim seconded. The Board voted 2-3. Commissioners Sneed, Casstevens and Wooten opposed.**

Mr. Wood reviewed the Grand Jury Report.

Mr. Wood suggested ending the contract with the cleaning service and hiring someone part-time to work evenings at the courthouse.

**\*Commissioner Casstevens made the motion to hire a part-time person to clean the courthouse in the evenings. Commissioner Wooten seconded. The Board voted 5-0.**

The Board discussed the roof at the courthouse.

**Adjournment**

**\*Commissioner Wooten made the motion to adjourn. Commissioner Casstevens seconded. The Board voted 5-0.**

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Melinda Vestal, Clerk to the Board